

VITALY S. PALAMARCHOUK
 34 MEADOWBROOK LN
 NEWARK, DE, 19711
 Phone: (302)234-1260
 Email: Vitaly.palamarchouk@astrazeneca.com
Pro Se.

 **ORIGINAL**

**THE UNITED STATES DISTRICT COURT
 DISTRICT COURT OF DELAWARE**

Plaintiff: Vitaly S. Palamarchouk

Vs.

Defendants:

Michael Chertoff, Secretary of the Department
 of Homeland Security (DHS)
Emilio T. Gonzalez, Director of the U.S.
 Citizenship and Immigration Services (USCIS)
Paul Novak, Director of Vermont Service
 Center of USCIS
Robert S. Mueller III, Director of Federal
 Bureau of Investigation (FBI)

Case No.

08 - 80

**ORIGINAL COMPLAINT
 FOR WRIT IN THE NATURE OF
 MANDAMUS & DECLARATORY
 JUDGEMENT**

INTRODUCTION

1. This action is brought against the Defendants to compel action on the clearly delayed processing of an N-400 Application for Naturalization filed by the Plaintiff, Vitaly S. Palamarchouk about 22 months ago. The application was filed and remains within the jurisdiction of the Defendants, who have improperly delayed processing the application to Plaintiff's detriment.

PARTIES

2. Plaintiff, Vitaly S. Palamarchouk is a lawful permanent resident of the United States, currently residing in Newark, Delaware. He is the beneficiary of an N-400, Application for Naturalization to become a U.S. Citizen, filed with the USCIS (Vermont Service Center, St. Albans, VT) on April 21, 2006.
3. Defendant, Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with the enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC § 1103(a). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security to whom the Secretary of the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.
4. Defendant, Emilio T. Gonzalez is the Director of the U.S Citizenship & Immigration Services (USCIS) and an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR § 103.1(g) (2) (ii) (B).
5. Defendant, Paul Novak is the Director of Vermont Service Center of U.S. Citizenship and Immigration Services. In his capacity as the Director of Vermont Service Center, USCIS, Mr. Novak is responsible for the administration of immigration benefits and services including the processing of naturalization applications. As such, he has decision-making authority over the matters alleged in this Complaint.

degrees). Attached hereto as **Exhibit “1”** is a copy of Plaintiff’s Permanent Resident Card.

11. Plaintiff filed a petition for Naturalization (N-400 application) with the USCIS Vermont Service Center, St. Albans, VT, which was received by the Service Center on April 21, 2006(Application number ESC*001617174). Attached hereto as **Exhibit “2”** is the receipt notice by the USCIS.

12. On June 6, 2006, Plaintiff submitted his finger prints at the USCIS Dover Office. Attached hereto as **Exhibit “3”** is a copy of the fingerprint appointment letter and the biometrics processing record number, date and signature confirming that fingerprints were submitted to USCIS on June 6, 2006.

13. In January of 2007, Plaintiff found that his case was outside of normal processing time from USCIS’s website:

<https://egov.immigration.gov/cris/jsps/officeProcesstimes.jsp?selectedOffice=74>.

On January 19, 2007, Plaintiff made an inquiry regarding his case status through USCIS National Customer Service hotline at 1-800-375-5283. Plaintiff received a letter from USCIS dated February 22, 2007 stating that processing of the case has been delayed and the case is not yet ready for a decision, as the required security checks remain pending. Plaintiff was told to contact USCIS again six months later if he did not receive a decision or notice of action by that time. Attached hereto as **Exhibit “4”** is the aforementioned status letter from USCIS.

14. On July 13, 2007, Plaintiff made another inquiry regarding his case status through USCIS National Customer Service hotline at 1-800-375-5283 (investigation case# T1I1940701839 PHI). Plaintiff received a letter from USCIS dated August 15, 2007

1 stating: the case is at the Vermont Service Center. The processing of your case has
2 been delayed. A check of our records establishes that your case is not yet ready for
3 decision, as the required investigation into your background remains open. Plaintiff
4 was told to contact USCIS again six months later if he did not receive a decision or
5 notice of action by that time. Attached hereto as **Exhibit "5"** is the aforementioned
6 status letter from USCIS.
7

8 15. On February 8, 2007, Plaintiff contacted the office of The Honorable Michael N.
9 Castle, US. Congressman, explaining how this delay brought great stress and
10 inconvenience to Plaintiff. Plaintiff asked the Congressman to help. An Executive
11 Assistant at Congressman Michael N. Castle's office, told Plaintiff that they did not
12 have authority to expedite the request, but they could find out the status of the request
13 via Congressional Inquiry. Plaintiff received a call from Congressman Michael N.
14 Castle's Office on February 18, 2007, stating that FBI received the request for
15 Plaintiff's Name Check from USCIS and it was being processed.
16
17

18 16. On November 13, 2007, Plaintiff made another inquiry regarding his case status
19 through USCIS National Customer Service hotline at 1-800-375-5283 (investigation
20 case# NYC3170702152 VSC). Plaintiff received a e-mail from USCIS dated
21 November 20, 2007 stating: The processing of your case has been delayed. A check of
22 our records establishes that your case is not yet ready for decision, as the required
23 investigation into your background remains open. Until the background investigation
24 is completed, we cannot move forward on your case. These background checks are
25 required to be completed on all applicants who apply for the immigration benefit you
26 are seeking. We will make every effort to make a decision on this case as soon as the
27
28

1 background checks are complete. Attached hereto as **Exhibit "6"** is the
2 aforementioned status letter from USCIS.

3
4 17. On August 21, 2007, Plaintiff contacted US Senator Joseph R. Biden, Jr, Office to
5 help with the inquiry up on the status of his Name Check. Plaintiff received a call
6 from US Senator Joseph R. Biden, Jr, Office, indicating that Plaintiff's Name Check
7 Request was received from USCIS, and was currently in process.

8
9 18. Plaintiff Vitaly S. Palamarchouk has exhausted administrative remedies on his
10 application for Naturalization. Plaintiff has been lawfully present in the United
11 States for over 13 years since December of 1993 and has always complied with
12 immigration and civil laws, has never been arrested or convicted of a crime and has
13 never presented a security risk to the United States.

14
15 19. Plaintiff's application for naturalization has been pending since April 21, 2006.
16 Plaintiff has appeared for all fingerprinting appointments as scheduled. Thus the delay
17 cannot be attributed to him., The FBI has failed to take any action whatsoever on
18 Plaintiff's name check request.

19
20 20. The Defendants have failed to properly adjudicate the Plaintiff's applications. They
21 have failed to adhere to their own regulations and have improperly delayed the
22 processing of Plaintiff's N-400 Application after the Plaintiff had submitted a
23 properly executed application. In general, Congress has laid down the parameters of
24 reasonableness in immigration adjudication, stating: "It is the sense of Congress that
25 the processing of an immigration benefit application should be completed not later
26 than 180 days after the initial filing of the application." 8 U.S.C. § 1571. Plaintiff's
27 initial filing of his application was on April 21, 2006; to date it has been 656 days
28

1 since Plaintiff's initial filing. According to the USCIS web site for District Office
2 Processing Dates for Dover, DE Office, Posted on November 14, 2007, USCIS is now
3 processing cases with Receipt Notice Date of February 24, 2007 for N-400
4 applications, whereas Plaintiff's Receipt Notice Date is April 21, 2006. Defendants
5 have sufficient information to determine Plaintiff's eligibility pursuant to applicable
6 requirements and complete the processing procedures.
7

8 **INJURY TO PLAINTIFF**

9
10 21. Defendants' failure to timely process Plaintiff's naturalization application, including
11 any name check, has caused and will continue to cause irreparable injury to Plaintiff.
12 Defendants' failure to adjudicate Plaintiff's application has caused extreme distress
13 for Plaintiff.
14

15 a. Plaintiff is not entitled for benefits only available to U.S. citizens. Therefore
16 Defendants' unreasonable delay in adjudicating naturalization application
17 deprived Plaintiff of citizenship benefits like a right to vote and fully
18 participate in our democracy; receive a United States passport; hold a job that
19 is restricted to United States citizens.
20

21 b. Plaintiff has lost significant work time while pursuing his application for
22 naturalization, making inquiries with USCIS, contacting his local
23 Congressman's and Senator's office, contacting several immigration attorneys
24 to find out what remedies are available. All of these result in significant
25 expenses financially, mentally, and time-wise.
26

27 22. The Administrative Procedure Act requires administrative agencies to conclude
28 matters presented to them "within a reasonable time." 5 U.S.C. § 555. A district court

reviewing agency action may “compel agency action unlawfully withheld or unreasonable delayed.” 5 U.S.C. § 706(1). The court also may hold unlawful and set aside agency action that, *inter alia*, is found to be: “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” 5 U.S.C. §706(2)(A); “in excess of statutory jurisdiction, authority, or Limitations, or short of statutory right,” 5 U.S.C. § 706(2)(C); or “without observance of procedure required by law,” 5 U.S.C. § 706(2)(D). “Agency action” includes, in relevant part, “an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.” 5 U.S.C. §551(13).

23. The Defendants, in violation of the Administrative Procedures Act, 5 USC §§ 555 et seq., 701 et seq., are unlawfully withholding action on the plaintiff’s application and have failed to carry out the adjudicative functions delegated to them by law with regard to the Plaintiff’s case.

24. Plaintiff has provided sufficient evidence of his attempt to secure adjudication of these applications at this issue, all to no avail. Accordingly Plaintiff has been forced to file a petition in this court.

PRAYER FOR RELIEF

25. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the court enter an order:

- a. Assume jurisdiction over this matter.
- b. Declare that the Defendants’ failure to act is illegal, arbitrary, capricious, and abuse of discretion.

- 1 c. Compel Defendants and those acting under them to perform their duty to act
2 on completing Plaintiff's name check and to adjudicate Plaintiff's application
3 for naturalization within a reasonable time period specified by this court.
4
5 d. Award Plaintiff reasonable costs of this suit.
6
7 e. Grant such other and further relief as this Court deems just and appropriate.

8 Dated: February 7, 2008

9 Respectfully Submitted.

10 
11 VITALY S. PALAMARCHOUK

12 34 MEADOWBROOK LN

13 NEWARK, DE, 19711


14 Phone: (302)234-1260

15 Email: Vitaly.palamarchouk@astrazeneca.com

16
17 *Pro Se.*
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EXHIBIT 1

FRONT

PERMANENT RESIDENT CARD
NAME PALAMARCHOUK, VITALIY S.
 INS A#
Birthdate
Sex M
Country of Birth Ukraine
CARD EXPIRES 12/31/11
Resident Since 07/29/91

C1USA0299843486SRC9911850799<<
112212UKR<<<<<<<<<<<<<<<<2
PALAMARCHOUK<<VITALIY<S<<<<<<<<

BACK

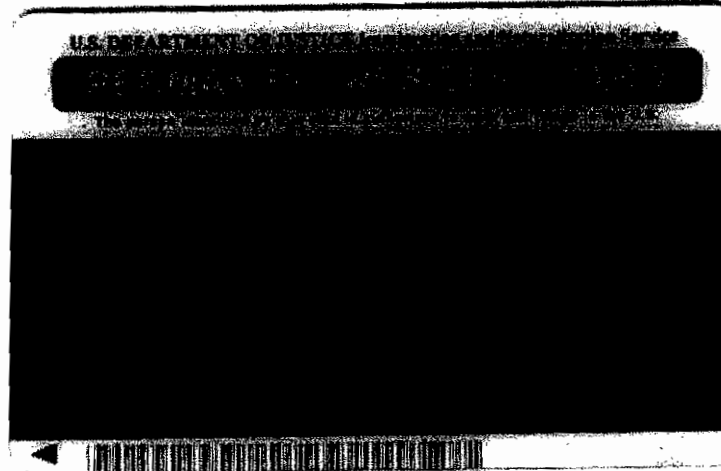


EXHIBIT 2

UNITED STATES OF AMERICA



Receipt			NOTICE DATE May 02, 2006
CASE TYPE N400 Application For Naturalization			INS-AP A 029 984
APPLICATION NUMBER ESC*001617174	RECEIVED DATE April 21, 2006	PRIORITY DATE April 21, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS VITALY SAVVOVICH PALAMARCHOUK 34 MEADOWBROOK LN NEWARK DE 19711		PAYMENT INFORMATION: Single Application Fee: \$400.00 Total Amount Received: \$400.00 Total Balance Due: \$0.00	
			
<p>The above application has been received by our office and is in process. Our records indicate your personal information is as follows:</p> <p>Date of Birth: _____ Address Where You Live: 34 MEADOWBROOK LN NEWARK DE 19711</p> <p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE 75 LOWER WELDEN STREET ST ALBANS VT 05479-		INS Customer Service Number: (800) 375-5283	
APPLICANT COPY			
ESC001601372			

EXHIBIT 3

THE UNITED STATES OF AMERICA

Fingerprint Notification			NOTICE DATE May 30, 2006
CASE TYPE N400: Application For Naturalization			INS AP# A 029 984
APPLICATION NUMBER ESC*001617174	RECEIVED DATE April 21, 2006	PRIORITY DATE April 21, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS VITALY SAVVOVICH PALAMARCHOUK 34 MEADOWBROOK LN NEWARK DE 19711			
<p>To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER CIS DOVER 655 SOUTH BAY ROAD BLUE HEN CORPORATE CENTER DOVER DE 19901		DATE AND TIME OF APPOINTMENT 06/09/2006 08:00 AM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none">1. THIS APPOINTMENT NOTICE and2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.			
<p>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</p> <p>392536 6-6-06 </p>			
<p>REQUEST FOR RESCHEDULING</p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>CIS DOVER 655 SOUTH BAY ROAD BLUE HEN CORPORATE CENTER DOVER DE 19901</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p>			
APPLICATION NUMBER ESC*001617174		APPLICANT COPY 	
<p>WARNING!</p> <p>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</p>			

EXHIBIT 4

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT
05479-0001



**U.S. Citizenship
and Immigration
Services**

Thursday, February 22, 2007

VITALY PALAMARCHOUK
34 MEADOW BROOK LN
NEWARK DE 19711

Dear VITALY PALAMARCHOUK:

On 01/19/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	N400
Filing date:	Information not available
Receipt #:	ESC*001617174
Beneficiary (if you filed for someone else):	PALAMARCHOUK, VITALY
Your USCIS Account Number (A-number):	A29984
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for a decision, as the required security checks remain pending.

Until the security checks have been completed, we cannot move forward on your case. These security checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the security checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 5

U.S. Department of Homeland Security
USCIS
1600 Callowhill Street, First Floor
Philadelphia, PA 19130



**U.S. Citizenship
and Immigration
Services**

Wednesday, August 15, 2007

VITALY PALAMARCHOUK
34 MEADOW BROOK LN
NEWARK DE 19711

Dear VITALY PALAMARCHOUK:

On 07/13/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	N400
Filing date:	04/28/2006
Receipt #:	ESC*001617174
Beneficiary (if you filed for someone else):	PALAMARCHOUK, VITALY
Your USCIS Account Number (A-number):	A29984
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

Your N400 case is at the Vermont Service Center. The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT 6

Palamarchouk, Vitaly

From: CRIS [USCIS-CRIS@dhs.gov]
Sent: Tuesday, November 20, 2007 8:09 AM
To: Palamarchouk, Vitaly
Subject: Your recent inquiry

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT
05479-0001

U.S. Citizenship and Immigration Services
Tuesday, November 20, 2007

Emailed to VITALY.PALAMARCHOUK@ASTRAZENECA.COM

Dear M. Palamarchouk:

On 11/13/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:
-- Applicant or Petitioner

Attorney Name:
-- Information not available

Case type:
-- N400

Filing date:
-- 04/21/2006

Receipt #:
--

Beneficiary (if you filed for someone else):
-- Information not available

Your USCIS Account Number (A-number):
-- 029984

Type of service requested:
-- Non-Delivery of Receipt Notice

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they

move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services


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U.S. Citizenship and Immigration Services

Dover DE Processing Dates

Posted November 14, 2007

The processing times shown below are a tool for our customers to gauge our current processing times. When applications and petitions are completed within our target timeframes, that goal will be shown in the data display.

The processing times shown below are for applications that have just been completed. If you have just filed your application, these timeframes may not reflect how long your application will take to be completed. We encourage you to check this page periodically before inquiring about your case. The processing times are updated monthly.

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may be longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 16-18 months to process.

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our customer guide –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

District Office Processing Dates for **Dover DE** Posted November 14, 2007

Form	Form Name	Processing Timeframe:
I-131	Application for Travel Documents	3 Months
I-485	Application to Register Permanent Residence or Adjust Status	6 Months
I-600	Petition to Classify Orphan as an Immediate Relative	3 Months
I-600A	Application for Advance Processing of Orphan Petition	3 Months
I-765	Application for Employment Authorization	11 Weeks
N-400	Application for Naturalization	February 24, 2007
N-600	Application for Certification of Citizenship	July 31, 2007

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12-10-2007 11:32 AM EST

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[U.S. Department of Homeland Security](#)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

08 - 80 -

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Vitaly S. Palamarchouk, 34 Meadowbrook Ln, Newark, DE 19711

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro se

DEFENDANTS

Michael Chertoff, Emilio T. Gonzalez, Paul Novak, Robert S. Mueller

County of Residence of First Listed Defendant DC
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for Plaintiff and One Box for Defendant)

- | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|
| | PTF | DEF | | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trmth in Leuding <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Dmg Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
		SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28:1361

Brief description of cause:
Petition for Writ of Mandamus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

02/07/2008

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 08-80

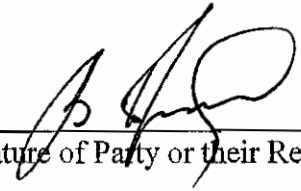
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 5 COPIES OF AO FORM 85.

02/07/2008

(Date forms issued)


(Signature of Party or their Representative)

Vitaly Palamarchouk

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

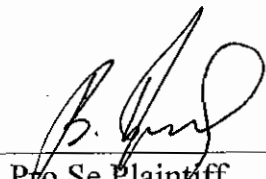
RE: C.A.# 08-80

CASE CAPTION: _____ v. _____

ACKNOWLEDGMENT OF RECEIPT FOR F.R.Civ.P. 4

I hereby acknowledge receipt of a copy of Rule 4 (Summons) of the Federal Rules of Civil Procedure, and understand that it is my responsibility to make service of process on defendants in accordance with this rule.

Date Received 02/07/2008
by Plaintiff:

Signed: 
Pro Se Plaintiff

Date Received _____
by Clerk's office:

Signed: _____
Deputy Clerk

Note: If you received Federal Rule 4 by mail, please sign this receipt and return it to:

Clerk
U.S. District Court
844 N. King Street
Lockbox 18
Wilmington, DE 19801

If applicable, Rule 4 mailed to plaintiff:

Date mailed

By Deputy Clerk

cc: Docketing Clerk